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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,312	02/05/2002	Eric Verschueren	215294	8851

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EXAMINER

FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,312

Applicant(s)

VERSCHUEREN ET AL.

Examiner

Stephen R Funk

Art Unit

2854

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim 15 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 7.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6 - 8, and 11 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng (US 6,482,571) in view of Bailey et al. US 6,040,115) and Moss et al. (EP 640,478). Teng teaches providing an imaging material comprising a flexible lithographic base having a hydrophilic surface (column 3 line 50 - column 4 line 22) and an image recording layer (column 3 lines 16 - 19) which is removable in a single fluid ink (column 9 lines 55 - 59), image-wise exposing the recording layer to heat or light (column 3 lines 28 - 30), processing the recording layer by supplying the single fluid ink (column 3 lines 31 - 35

and column 9 lines 55 - 59) thereby obtaining a printing master, and printing by supplying the single fluid ink to the printing master which is mounted on the plate cylinder (column 3 lines 42 - 46). Teng does not teach unwinding the lithographic base from a supply spool, wrapping the base around a plate cylinder, applying the image recording layer to the base, and removing the printing master from the plate cylinder. Bailey et al. teach that an image recording layer may be applied in press onto a base plate. See column 17 lines 35 - 52 of Bailey et al., for example. Bailey et al. do not teach how to apply and remove the lithographic base. Moss et al. teach the desirability of unwinding a material from a supply spool (105), wrapping the material around a plate cylinder (12), and removing the used material from the plate cylinder by winding it onto an uptake spool (110). See the Abstract, column 3 lines 16 - 48, and column 6 lines 24 - 34 of Moss et al., for example. It would have been obvious to one of ordinary skill in the art to provide the method of Teng with the step of applying the image recording layer in press in view of Bailey et al. so as to consolidate plate manufacturing, imaging, and printing and unwinding the base from a supply spool, wrapping it around the plate cylinder, and removing the printing master from the plate cylinder onto an uptake spool in view of Moss et al. so as to more quickly remove and provide new imaging material to the plate cylinder. With respect to claim 2 see column 2 lines 56 - 59 and column 4 lines 21 - 27 of Teng. With respect to claims 6, 7, and 11 - 15 see Figure 3 of Moss et al. With respect to claim 8 see column 3 line 50 - column 4 line 22 of Teng.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng in view of Bailey et al. and Moss et al. as applied to the claims above, and further in view of Vermeersch et al. (EP 770,494). Teng does not teach an image recording layer comprising

Art Unit: 2854

hydrophobic thermoplastic polymer particles in a hydrophilic binder. Vermeersch et al. teach the image recording layer as recited. See the Abstract, column 1 line 58 - column 2 line 34, and column 8 line 31 - column 9 line 12 of Vermeersch et al., for example. It would have been obvious to one of ordinary skill in the art to provide the method of Teng, as modified by Bailey et al. and Moss et al., with a recording layer comprising thermoplastic particles in a hydrophilic binder in view of Vermeersch et al. so as to provide an economically friendly printing master having excellent printing properties.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teng in view of Bailey et al. and Moss et al. as applied to claims 1, 2, 6 - 8, and 11 - 15 above, and further in view of Vermeersch et al. (US 5,786,128). Teng does not teach an image recording layer comprising aryldiazosulfonate. Vermeersch et al. teach the image recording layer as recited. See the Abstract and column 2 lines 13 - 54 of Vermeersch et al., for example. It would have been obvious to one of ordinary skill in the art to provide the method of Teng, as modified by Bailey et al. and Moss et al., with a recording layer comprising aryldiazosulfonate in view of Vermeersch et al. so as to provide a convenient, economically friendly printing master having excellent printing properties.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng in view of Bailey et al. and Moss et al. as applied to claims 1, 2, 6 - 8, and 11 - 15 above, and further in view of Kingman et al. (US 6,140,392). Teng does not specifically teach the composition of the single fluid ink but does refer to the manufacturer Flink [sic] Ink Company as a source for an acceptable single fluid ink. See column 9 lines 55 - 59 of Teng. Kingman et al., and assignee Flint Ink Corporation, teach the single fluid ink as recited. See the

Art Unit: 2854

Abstract, column 1 line 39 - column 2 line 17, and the paragraph bridging columns 6 and 7 of Kingman et al. It would have been obvious to one of ordinary skill in the art to provide the method of Teng, as modified by Bailey et al. and Moss et al., with the single fluid ink of Kingman et al. in view of the specific suggestion by Teng and to provide a single fluid ink having more stability and higher definition.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See column 9 of Teng ('595); column 3 lines 27 - 39 of Held ('549); and column 2 lines 11 - 61, column 3 lines 61 - 65, and Figures 1a and 1b of Gelbart et al. ('499).

Applicant's arguments filed September 3, 2003 have been fully considered but they are not persuasive. Applicant argues that Bailey does not teach applying an image recording layer on press to a flexible tape, but only a reusable drum, plate, or sleeve. However, it is deemed that applicant is reading Bailey too narrowly. The imageable elements listed in column 17 line 38 that may be sprayed, painted, or coated are merely exemplary of the types of elements as Bailey later indicates in lines 42 - 46 that the imageable element can be of any useful form including flexible webs. Applicant's interpretation of segregating the types of elements that must be precoated and those that must be sprayed, painted, or coated on press is not warranted by the overall teachings of Bailey - i.e. that the imageable element may be precoated or coated on press and that the imageable element in either case may be any of those listed. If it could be determined that Bailey does not in fact teach coating a flexible web on press then it would have been obvious to one of ordinary skill in the art to combine the benefits of using a flexible web and coating on press.

Art Unit: 2854

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (703) 308-0982.

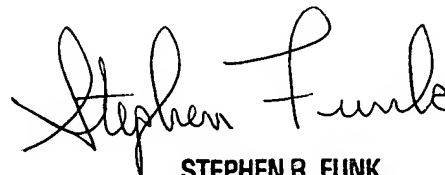
The examiner can normally be reached from 7:30am to 6:00pm, except Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached on (703) 305-6619.

The fax phone number for official papers is (703) 872-9306. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner at (703) 746-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SRF
October 15, 2003


STEPHEN R. FUNK
PRIMARY EXAMINER